

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2446 Session of
1988

INTRODUCED BY FOX, BELARDI, RAYMOND, E. Z. TAYLOR, VEON,
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McVERRY, BUNT, TIGUE, O'BRIEN, VROON, ITKIN, KENNEY AND
LASHINGER, MAY 9, 1988

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 9, 1988

AN ACT

1 Amending the act of November 26, 1975 (P.L.438, No.124),
2 entitled, as amended, "An act establishing child protective
3 services; providing procedures for reporting and
4 investigating the abuse of children; establishing and
5 providing access to a Statewide central register and pending
6 complaint file on child abuse; investigating such reports;
7 providing for taking protective action including taking a
8 child into protective custody; placing duties on the
9 Department of Public Welfare and county children and youth
10 social service agencies; establishing child protective
11 services in each county children and youth social service
12 agency; and providing penalties," defining neglect; further
13 defining child abuse and sexual abuse; further providing for
14 recordkeeping duties of the department and for duties of
15 child protective services concerning reports of abuse; and
16 providing for training and certification of caseworkers and
17 for positive parenting courses and for funding thereof.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. The definitions of "child abuse" and "sexual
21 abuse" in section 3 of the act of November 26, 1975 (P.L.438,
22 No.124), known as the Child Protective Services Law, amended
23 June 10, 1982 (P.L.460, No.136), are amended and the section is
24 amended by adding a definition to read:

1 Section 3. Definitions.--As used in this act:

2 "Child abuse" means serious physical or mental injury which
3 is not explained by the available medical history as being
4 accidental, or sexual abuse or sexual exploitation, or serious
5 physical neglect, of a child under 18 years of age, [if]
6 regardless of whether the injury, abuse or neglect has been
7 caused by the acts or omissions of the child's parents or by a
8 person responsible for the child's welfare, or any individual
9 residing in the same home as the child, or a paramour of a
10 child's parent or any other person, provided, however, no child
11 shall be deemed to be physically or mentally abused for the sole
12 reason he is in good faith being furnished treatment by
13 spiritual means through prayer alone in accordance with the
14 tenets and practices of a recognized church or religious
15 denomination by a duly accredited practitioner thereof or is not
16 provided specified medical treatment in the practice of
17 religious beliefs, or solely on the grounds of environmental
18 factors which are beyond the control of the person responsible
19 for the child's welfare such as inadequate housing, furnishings,
20 income, clothing and medical care.

21 * * *

22 "Neglect" includes failure to provide medical care or proper
23 nutrition.

24 * * *

25 "Sexual abuse" [means] includes the obscene or pornographic
26 photographing, filming or depiction of children for commercial
27 purposes, or the rape, molestation, incest, prostitution, or
28 other such forms of sexual exploitation of children under
29 circumstances which indicate that the child's health or welfare
30 is harmed or threatened thereby, as determined in accordance

1 with regulations prescribed by the secretary.

2 * * *

3 Section 2. Section 14(i) of the act, amended July 1, 1985
4 (P.L.124, No.33), is amended to read:

5 Section 14. Record Keeping Duties of the Department.--* * *

6 (i) The Statewide central register shall include and shall
7 be limited to the following information: the names, social
8 security numbers, age and sex of the subjects of the reports;
9 the date or dates and the nature and extent of the alleged
10 instances of suspected child abuse; the home addresses of
11 subjects of the report; the county in which the suspected abuse
12 occurred; family composition; the name and relationship, if any,
13 to the abused child of the person or persons responsible for
14 causing the abuse; the source of the report; services planned or
15 provided; whether the report is a founded report, an indicated
16 report; and the progress of any legal proceedings brought on the
17 basis of the report of suspected child abuse.

18 * * *

19 Section 3. Section 16 of the act is amended by adding a
20 subsection to read:

21 Section 16. Child Protective Service Responsibilities and
22 Organization; Local Plan.--* * *

23 (f) The department shall establish a program to train and
24 certify children and youth caseworkers. Only certified children
25 and youth caseworkers shall be employed as caseworkers to carry
26 out the provisions of this act.

27 Section 4. Section 17(4) of the act is amended to read:

28 Section 17. Duties of the Child Protective Service
29 Concerning Reports of Abuse.--Each child protective service
30 shall:

1 * * *

2 (4) Upon receipt of each report of suspected child abuse,
3 commence [within 24 hours,] an appropriate investigation which
4 shall include a visit to the home of the child or children
5 within 24 hours and a determination of the risk to such child or
6 children if they continue to remain in the existing home
7 environment, as well as a determination of the nature, extent,
8 and cause of any condition enumerated in such report, and, after
9 seeing to the safety of the child or children, forthwith notify
10 the subjects of the report in writing, of the existence of the
11 report and their rights pursuant to this act in regard to
12 amendment or expungement. The investigation shall be completed
13 within 30 days.

14 * * *

15 Section 5. Section 18 of the act, amended June 10, 1982
16 (P.L.460, No.136), is amended to read:

17 Section 18. Cooperation of Other Agencies.--(a) The
18 secretary may request and shall receive from departments,
19 boards, bureaus, or other agencies of the Commonwealth, or any
20 of its political subdivisions, or any duly authorized agency, or
21 any other agency providing services under the local child
22 protective services plan such assistance and data as will enable
23 the department and the child protective services to fulfill
24 their responsibilities properly, including law enforcement
25 personnel when assistance is needed in conducting an
26 investigation of alleged child abuse. School districts shall
27 cooperate with the department and the agency by providing them
28 upon request with such information as is consistent with law.

29 (b) In cooperation with the Department of Education, the
30 department shall develop and implement courses in positive

parenting in schools and social service agencies. The courses shall stress general health, nutrition and developmental information for new families.

Section 6. The act is amended by adding a section to read:

Section 24.1. Voluntary Contribution System.--(a) The Department of Revenue shall provide a space on the face of the Pennsylvania individual income tax return form whereby an individual may voluntarily designate a contribution of any amount desired to the Child Abuse Prevention Fund, which is hereby created in the General Fund. The fund shall be used exclusively for the prevention of child abuse, including, but not limited to, the funding of salaries of certified children and youth caseworkers.

(b) The amount so designated by an individual on the income tax return form shall be deducted from the tax refund to which such individual is entitled and shall not constitute a charge against the income tax revenues due the Commonwealth.

(c) The Department of Revenue shall determine annually the total amount designated pursuant to this section and shall report such amount to the State Treasurer, who shall transfer such amount from the General Fund to the Child Abuse Prevention Fund. The Department of Revenue shall be reimbursed from the fund for any administrative costs incurred above and beyond the cost savings it realizes as a result of individual total refund designations.

(d) The Department of Revenue shall provide adequate information concerning the Child Abuse Prevention Fund in its instructions which accompany State income tax return forms, which shall include the listing of an address, furnished to it by the department, to which contributions may be sent by those

1 taxpayers wishing to contribute to the fund but who do not
2 receive refunds.

3 (e) This section shall apply to taxable years beginning on
4 or after January 1, 1989.

5 Section 7. This act shall take effect in 60 days.